

96TH CONGRESS
2D SESSION

H. R. 6805

Entitled "National Heritage Act of 1980".

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 1980

Mr. PHILLIP BURTON (for himself, Mr. SEBELIUS, Mr. VENTO, Mr. BINGHAM, and Mr. KOSTMAYER) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

Entitled "National Heritage Act of 1980".

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Heritage Act of
4 1980".

5 SEC. 2. The Congress finds—

6 (a) that natural areas and historic properties sig-
7 nificant to this Nation's heritage are being lost or sub-
8 stantially altered, often inadvertently, with increasing
9 frequency;

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FINAL ACTION

1 (b) that the conservation and preservation of this
2 irreplaceable heritage is in the public interest so that
3 its vital legacy of scientific, ecological, cultural, educa-
4 tional, aesthetic, recreational, inspirational, economic,
5 energy, and health benefits will be maintained and en-
6 riched for future generations of Americans;

7 (c) that it is necessary and appropriate to acceler-
8 ate the identification of our natural and cultural heri-
9 tage resources and to reform and strengthen the pro-
10 tection of these resources;

11 (d) that the increased knowledge of our heritage
12 resources, the establishment of better means of admin-
13 istering them, and the encouragement of their conser-
14 vation and preservation will improve the efficiency of
15 planning for and execution of Federal and federally as-
16 sisted projects and will help to accommodate essential
17 economic growth and development; and

18 (e) that the Federal Government should continue
19 to cooperate with and encourage and assist States,
20 local governments, Indian tribes, private organizations
21 and individuals to identify and protect heritage re-
22 sources through a comprehensive national heritage
23 policy and program.

1 **TITLE I—NATIONAL HERITAGE POLICY**

2 **SEC. 101.** The Congress, recognizing the profound im-
3 portance of the surviving elements of our national heritage to
4 the maintenance and the continuing development and quality
5 of human life and American society, declares that it is the
6 duty and continuing policy of the Federal Government, in
7 cooperation with other nations and in partnership with the
8 States, local communities, Indian tribes, and private organi-
9 zations and individuals—

10 (1) to develop and use means and measures, in-
11 cluding financial and technical assistance, for the pur-
12 poses of fostering and promoting conditions under
13 which our modern society and our heritage can exist in
14 productive harmony and can fulfill the social, eco-
15 nomic, and other requirements of present and future
16 generations;

17 (2) to provide leadership in the conservation and
18 preservation of the natural and cultural heritage re-
19 sources of the United States, and of the international
20 community of Nations;

21 (3) to administer federally owned, administered or
22 controlled, natural and cultural heritage resources in a
23 spirit of stewardship and trusteeship for the benefit of
24 present and future generations, and to initiate or im-
25 prove policies, plans and programs so that federally

1 owned, administered or controlled heritage resources
2 are conserved, preserved, managed, and maintained for
3 the inspiration and benefit of the Nation;

4 (4) to administer the national heritage program
5 that will—

6 (A) insure that Federal policies, plans, pro-
7 grams, activities, and projects—

8 (i) contribute to the conservation and
9 preservation of nonfederally owned heritage
10 resources,

11 (ii) are coordinated with State, commu-
12 nity, and private activities to conserve and
13 preserve heritage resources, and

14 (iii) contribute to the preservation of
15 significant heritage resources of other
16 Nations; and

17 (B) continue to give maximum encourage-
18 ment to organizations, and individuals undertaking
19 conservation and preservation by private means,
20 and continue to assist State and local govern-
21 ments and the National Trust for Historic Preser-
22 vation in the United States, to expand and accel-
23 erate their heritage programs and activities.

1 **TITLE II—HISTORIC PRESERVATION PROGRAM**

2 **SEC. 201.** The Secretary of the Interior (hereinafter re-
3 ferred to as the “Secretary”) shall establish a national histor-
4 ic preservation program.

5 **SEC. 202.** The Act of October 15, 1966, as amended
6 (16 U.S.C. 470a), is amended as follows:

7 (1) Amend section 101(a) to read as follows:

8 “**SEC. 101. (a)** The Secretary shall:

9 “(1)(A) expand and maintain a national register of
10 districts, sites, buildings, structures, and objects of na-
11 tional, State and local significance in American history,
12 architecture, archeology, and culture, hereinafter re-
13 ferred to as the National Register of Historic Places or
14 Historic Register: *Provided*, That historic properties
15 meeting the criteria for national significance established
16 pursuant to section 101(a)(1)(B)(2) shall be designated
17 as National Historic Landmarks;

18 “(B) develop or expand regulations, procedures or
19 guidelines, as appropriate, for—

20 “(i) documentation of significant information
21 concerning historic properties;

22 “(ii) eligibility criteria for inclusion in the
23 Historic Register and for designation of National
24 Historic Landmarks;

1 “(iii) nominations to the Historic Register by
2 Federal agencies and by State Historic Preserva-
3 tion Officers: *Provided*, That recommendations of
4 historic properties, which may be eligible for list-
5 ing on the Historic Register, may be made to
6 State Historic Preservation Officers or to the Sec-
7 retary by any agency or person, public or private,
8 irrespective of the ownership or protective status
9 of the property;

10 “(iv) notification of the owner of an historic
11 property that his property is being considered for
12 nomination to the Historic Register;

13 “(v) listing historic properties in or removing
14 them from the Historic Register;

15 “(vi) designation of National Historic Land-
16 marks; and

17 “(vii) determinations of eligibility for the His-
18 toric Register in accordance with section 106 of
19 this Act.

20 “(2)(A) develop or revise, in consultation with the
21 States, regulations, procedures and guidelines, as ap-
22 propriate, for a State historic preservation program
23 which includes appropriate governmental mechanisms
24 for the identification, evaluation, protection, manage-
25 ment and preservation of historic properties and for as-

1 sistance to local governments and private organizations
2 and individuals undertaking preservation activities,
3 through grants, loans, loan guarantees, education,
4 training and such other means and measures as the
5 Secretary determines will carry out the purposes of
6 this Act;

7 “(B) request the Governor of each participating
8 State to designate a State Historic Preservation Officer
9 to carry out the State historic preservation program. It
10 shall be the responsibility of the State historic preser-
11 vation officer to—

12 “(i) administer the State historic preservation
13 program;

14 “(ii) direct and conduct a comprehensive
15 statewide survey of historic properties;

16 “(iii) recognize and nominate eligible proper-
17 ties to the Historic Register and otherwise admin-
18 ister applications for listing historic properties in
19 and for their removal from the Historic Register;

20 “(iv) prepare and maintain a comprehensive
21 statewide historic preservation plan;

22 “(v) administer the program of Federal
23 grants to the State;

1 “(vi) assist Federal agencies in fulfilling their
2 historic preservation and other environmental
3 responsibilities;

4 “(vii) cooperate with the Secretary, Federal,
5 State and local agencies, and organizations and
6 individuals to ensure that historic properties are
7 taken into consideration at all levels of planning
8 and development; and

9 “(viii) provide public information, education
10 and training concerning the Federal and State
11 historic preservation programs;

12 “(3) establish and maintain—

13 “(A) a program of grants to States for the
14 purpose of preparing comprehensive statewide his-
15 toric surveys and plans, in accordance with crite-
16 ria established by the Secretary, for the identifica-
17 tion, evaluation, preservation, acquisition, man-
18 agement and development of historic properties;

19 “(B) a program of matching grant-in-aid to
20 States for projects for the preservation for public
21 benefit of properties that are significant in Ameri-
22 can history, architecture, archeology, and culture
23 and for programs of other activities as the Secre-
24 tary determines will carry out the purposes of this
25 Act; and

1 “(C) a program of matching grant-in-aid to
 2 the National Trust for Historic Preservation in
 3 the United States, chartered by act of Congress
 4 approved October 26, 1949 (63 Stat. 927), as
 5 amended, for the purpose of carrying out the re-
 6 sponsibilities of the National Trust.”.

7 (2) Amend section 102(a)(3) to read as follows:

8 “(3) except in the case of grants to States pursu-
 9 ant to section 101(a)(3)(A) above, for more than 50 per
 10 centum of the costs of carrying out any project or pro-
 11 gram or, in the discretion of the Secretary, for more
 12 than 50 per centum of the total cost of carrying out
 13 such projects and programs, as determined by the Sec-
 14 retary and his determination shall be final. Except as
 15 otherwise provided by law, the remaining 50 per
 16 centum shall be contributed by non-Federal sources.”.

17 (3) delete section 102(c);

18 (4) delete section 104(a);

19 (5) amend section 106 to read as follows:

20 “SEC. 106. The head of any Federal agency having
 21 direct or indirect jurisdiction over a proposed Federal or fed-
 22 erally assisted undertaking in any State and the head of any
 23 Federal agency having authority to license any undertaking
 24 shall, prior to the approval of the expenditure of any Federal
 25 funds on the undertaking or prior to the issuance of any li-

1 cense, as the case may be, take into account the effect of the
2 undertaking on any property included in or eligible for inclu-
3 sion in the Historic Register for the purpose of avoiding or
4 mitigating any adverse effect. The head of any such agency
5 shall afford the Council on Heritage Conservation a
6 reasonable opportunity to comment with regard to such
7 undertaking.”.

8 (6) amend section 108 by inserting after the term
9 “1981” the phrase “and \$300,000,000 for fiscal years
10 1982 through 1986”.

11 SEC. 203. The Act of October 15, 1966, as amended
12 (16 U.S.C. 470), is further amended by adding a new section
13 109 as follows:

14 “SEC. 109. The Secretary shall—

15 “(a) establish standards to provide for the protec-
16 tion, management, curation and maintenance of feder-
17 ally owned or controlled heritage resources;

18 “(b) develop a process for the voluntary involve-
19 ment of the public in the conservation and preservation
20 of historic properties whereby the States: (1) encourage
21 public participation in assisting with the identification
22 and protection of historic properties, (2) take preserva-
23 tion priorities of local governments into consideration
24 in determining statewide preservation priorities, and (3)
25 notify State agencies, local governments and private

1 organizations and individuals of the State's priorities
2 for protecting historic properties and provide technical
3 information for appropriate action to protect such
4 properties;

5 "(c) extend honorific Federal recognition of excep-
6 tional efforts by local governments and organizations
7 and individuals in the identification and protection of
8 historic properties;

9 "(d) develop and provide technical and nontechni-
10 cal information and assistance, including documentation
11 standards for historic properties for inclusion in the
12 Historic Register, to other nations and international or-
13 ganizations, the States, Indian tribes, other Federal
14 agencies, private preservation organizations, and
15 other interested parties on all aspects of historic
16 preservation;

17 "(e) study, in cooperation with other agencies and
18 private and public organizations, as appropriate, the
19 feasibility and desirability of establishing or developing
20 other measures for the conservation, preservation,
21 management and maintenance of historic properties;

22 "(f) develop and make available to Federal agen-
23 cies, State and local governments, and private or-
24 ganizations and individuals training and information re-
25 lating to methods and techniques for identification,

1 management, preservation, protection, rehabilitation,
2 curation, restoration and maintenance of historic
3 properties;

4 “(g) in cooperation with the Council on Heritage
5 Conservation and other appropriate organizations, es-
6 tablish a comprehensive education and training pro-
7 gram concerning the administration of historic preser-
8 vation programs for Federal, State, and local officials
9 involved in historic preservation.”.

10 SEC. 204. The Act of October 15, 1966, as amended
11 (16 U.S.C. 470), is further amended by adding a new section
12 110 as follows:

13 “SEC. 110. Each Federal agency shall—

14 “(a) with the advice of the Secretary and in coop-
15 eration with the Historic Preservation Officer for the
16 State involved, locate, inventory and nominate to the
17 National Register of Historic Places all historic proper-
18 ties under its jurisdiction or control that meet the crite-
19 ria of eligibility for inclusion in the National Register
20 of Historic Places.

21 “(b) exercise caution to assure that any federally
22 owned or administered property that is included in or
23 may be eligible for inclusion is not inadvertently trans-
24 ferred, sold, demolished or substantially and adversely
25 altered. The agency head shall refer any question re-

1 garding a property's eligibility for inclusion in the His-
2 toric Register to the Secretary for a determination.
3 The Secretary shall consult with the Historic Preser-
4 vation Officer for the State involved in arriving at his
5 determination. If the Secretary determines, after a rea-
6 sonable period in which to review and evaluate proper-
7 ty, that it meets the criteria prescribed for listing in
8 the Historic Register or the property is already includ-
9 ed in the Historic Register, the Federal agency head
10 shall reconsider the proposed action to ensure conform-
11 ance with national environmental and preservation
12 policy, the National Environmental Policy Act, and the
13 requirements of section 106 of this Act;

14 “(c) in cooperation with the Secretary, and subse-
15 quent to compliance with the National Environmental
16 Policy Act and with section 106 of this Act, as appro-
17 priate, initiate measures to assure that where as a
18 result of Federal action or assistance resources includ-
19 ed in or eligible for inclusion in the Historic Register
20 are to be substantially altered or destroyed, timely
21 steps are taken to recover significant data, attributes
22 or values of the resources and make or have made ap-
23 propriate records. A copy of such records shall be de-
24 posited in the Library of Congress for future use and
25 reference. Agencies may call on the Secretary for

1 advice and technical assistance in the completion of the
2 above records. Notwithstanding section 7 of the Act of
3 June 27, 1960, as amended (16 U.S.C. 469c), or any
4 other provisions of law to the contrary, compliance
5 with the data recovery requirements of that Act shall
6 constitute compliance with this subsection for the pur-
7 poses of data recovery at historic places. The costs of
8 such recovery may be passed on or assessed against
9 Federal licensees, permittees or grantees;

10 “(d) initiate measures and procedures to provide
11 for the protection, management, curation and mainte-
12 nance of federally owned historic properties in accord-
13 ance with standards prescribed by the Secretary;

14 “(e) cooperate with purchasers and transferees of
15 any federally owned or administered property included
16 in or eligible for inclusion in the Historic Register in
17 the development of plans for the use of such property
18 that are compatible with preservation objectives with-
19 out imposing unreasonable economic burdens on public
20 or private interests; and

21 “(f) under guidelines established by the Secretary,
22 the head of each Federal agency shall designate quali-
23 fied officials at an appropriate level to be the agency’s
24 Historic Preservation Officer. The Historic Preserva-

1 tion Officer shall be responsible for coordinating the
2 agency's activities under this Act.'".

3 SEC. 205. The Act of October 15, 1966, as amended
4 (16 U.S.C. 470), is further amended by adding a new section
5 111 as follows:

6 "SEC. 111. Prior to the approval of any Federal under-
7 taking which may adversely affect any National Historic
8 Landmark, the head of any Federal agency shall determine
9 that no prudent and feasible alternative to such undertaking
10 exists; shall, to the maximum extent possible, undertake such
11 planning and actions as may be necessary to minimize harm
12 to such landmark, and shall afford the Council on Heritage
13 Conservation a reasonable opportunity to comment on the
14 undertaking.'".

15 SEC. 206. The Act of October 15, 1966, as amended
16 (16 U.S.C. 470), is further amended by adding a new section
17 112 as follows:

18 "SEC. 112. In addition to the responsibilities set forth in
19 sections 106, 110, and 111 of this Act, each Federal agency
20 shall—

21 "(a) cooperate with the Secretary and the States
22 in the collection, use, and exchange of historic proper-
23 ties information;

1 “(b) integrate information contained in the State
2 historic preservation program inventories into its plan-
3 ning process; and

4 “(c) within eighteen months of the effective date
5 of this Act, develop regulations or guidelines, as appro-
6 priate, to carry out its responsibilities under this Act.”.

7 **TITLE III—NATURAL HERITAGE PROGRAM**

8 **SEC. 301.** The Secretary of the Interior (hereinafter re-
9 ferred to as the “Secretary”) shall—

10 (a) establish a natural heritage program;

11 (b) establish and administer a National Register of
12 Natural Areas (hereinafter referred to as the “Natural
13 Register”) which shall include resources of national,
14 State, and local significance: *Provided*, That items of
15 national significance shall be designated as “National
16 Natural Landmarks”: *Provided further*, That the desig-
17 nation of “National Natural Landmark” shall apply to
18 an area which meets the standard for national signifi-
19 cance established pursuant to criteria to be issued
20 under section 301(d) of this Act: *And provided further*,
21 That National Natural Landmarks which have been
22 designated by the Secretary on the date of enactment
23 of this Act will be deemed to have met the criteria to
24 be issued pursuant to section 301(d) of this Act;

1 (c) within one year of the effective date of this
2 Act, develop or expand regulations, procedures, or
3 guidelines, as appropriate, for (1) documentation of sig-
4 nificant information concerning the natural heritage re-
5 sources, (2) eligibility criteria for inclusion in the Natu-
6 ral Register, (3) nominations to the Natural Register
7 by Federal agencies and by the State natural heritage
8 officer established by subsection (e) of this section: *Pro-*
9 *vided*, That recommendations of natural heritage re-
10 sources which may be eligible for listing on the register
11 may be made to the State or to the Secretary by any
12 agency or person, public or private, irrespective of the
13 ownership or protective status of the resource, (4) noti-
14 fication of the owner of a natural heritage resource
15 that his property is being considered for nomination to
16 the Natural Register, (5) listing natural heritage re-
17 sources in or removing them from the register, and (6)
18 implementing the provisions of section 305 of this Act;

19 (d) within six months of the effective date of this
20 Act establish criteria for the designation of nationally
21 significant areas on the Natural Register and establish
22 review procedures to ensure that the criteria are ap-
23 plied objectively and consistently;

24 (e) within one year of the effective date of this
25 Act, (1) develop, in consultation with the States, regu-

1 lations or guidelines, as appropriate, for a State natural
2 heritage program, and (2) request the Governor of each
3 participating State to designate a State Natural Heri-
4 tage Officer. The elements of each State's natural heri-
5 tage shall include, but not be limited to, discrete types
6 of: (1) terrestrial communities, (2) aquatic communities,
7 (3) geologic features, (4) landforms, and (5) habitats of
8 native plant and animal species which may be eliminat-
9 ed from the State without deliberate protection. It
10 shall be the responsibility of each State natural heri-
11 tage officer to (i) classify, locate, study, analyze, and
12 plan for the protection of natural heritage resources lo-
13 cated on non-Federal lands within the State bound-
14 aries; (ii) accomplish these responsibilities on Federal
15 and tribal lands with the cooperation of Federal agen-
16 cies and Indian tribes, as appropriate; (iii) coordinate
17 with other Federal programs; (iv) consolidate and
18 maintain natural heritage resource data as part of a
19 statewide data system; and (v) nominate areas eligible
20 for inclusion in the Natural Register. Upon the deter-
21 mination of the Secretary that it has established a nat-
22 ural heritage program consistent with the regulations
23 or guidelines developed under this subsection, a State
24 may use funds available to it under section 6 of the

1 Land and Water Conservation Fund Act, as amended
2 (16 U.S.C. 4601–8), for these purposes.

3 SEC. 302. The Secretary shall—

4 (a) develop a process for the voluntary involve-
5 ment of the public in the conservation of natural heri-
6 tage resources whereby the States: (1) provide oppor-
7 tunity for public participation in assisting with the
8 identification and location of these resources, (2) take
9 conservation priorities of local governments into con-
10 sideration in determining statewide heritage conserva-
11 tion priorities, and (3) notify State agencies, local
12 governments, and the private sector of the State's pri-
13 orities for protecting natural heritage resources and
14 provide technical information so that they can take ap-
15 propriate action to protect such resources.

16 (b) extend honorific Federal recognition of excep-
17 tional efforts by State and local governments and pri-
18 vate organizations and individuals in the identification
19 and protection of natural heritage resources;

20 (c) develop and provide technical and nontechnical
21 information and assistance, including documentation
22 standards for natural heritage resources for inclusion in
23 the Natural Register, to the States, Indian tribes,
24 other Federal agencies, private conservation and pres-

1 ervation organizations, and other interested parties on
2 all aspects of natural heritage conservation; and

3 (d) study, in cooperation with other agencies and
4 private and public organizations, as appropriate, the
5 feasibility and desirability of establishing or developing
6 other measures for the conservation, preservation,
7 management and maintenance of natural heritage
8 resources.

9 SEC. 303. Each Federal agency shall—

10 (a) with the advice of the Secretary and in coop-
11 eration with the State Natural Heritage Officer for the
12 State involved, locate and nominate to the Natural
13 Register heritage resources located on lands which it
14 owns or administers that appear to the head of such
15 Federal agency to be eligible for inclusion;

16 (b) in cooperation with the Secretary, and subse-
17 quent to compliance with sections 304 and 305 of this
18 Act, as appropriate, initiate measures to assure that
19 where as a result of Federal action or assistance, natu-
20 ral heritage resources included in, or eligible for inclu-
21 sion in the Natural Register are to be substantially al-
22 tered or destroyed, timely steps are taken to recover
23 significant data, attributes or values of the resources
24 and to make or have made records. A copy of such
25 records is to be deposited in the Library of Congress

1 for future use and reference. Agencies may call on the
2 Secretary for advice and technical assistance in the
3 completion of the above records;

4 (c) initiate measures and procedures to provide for
5 the protection of federally owned natural heritage re-
6 sources which have been nominated or designated as
7 National Natural Landmarks, in accordance with
8 standards prescribed by the Secretary;

9 (d) assist the Secretary and the States in collec-
10 tion, use, and exchange of natural heritage resource
11 information;

12 (e)(1) assist the Secretary and the States in efforts
13 to classify, locate, study, analyze, and plan for the pro-
14 tection of the States' natural heritage, particularly
15 those located on Federal lands;

16 (2) integrate information contained in the State
17 natural heritage program inventories into its ongoing
18 planning process;

19 (f) within eighteen months of the effective date of
20 this Act, develop regulations or guidelines, as appropri-
21 ate, to carry out its responsibilities under this Act.

22 SEC. 304. The head of any Federal agency having
23 direct or indirect jurisdiction over a proposed Federal or fed-
24 erally assisted undertaking in any State and the head of any
25 Federal agency having authority to license any undertaking,

1 shall, prior to the approval of the expenditure of any Federal
2 funds on the undertaking or prior to the issuance of any li-
3 cense, as the case may be, take into account the effect of the
4 undertaking on any area included in or eligible for inclusion
5 in the Natural Register for the purpose of avoiding or miti-
6 gating any adverse effect. The head of any such agency shall
7 afford the Council on Heritage Conservation a reasonable op-
8 portunity to comment with regard to such undertaking.

9 SEC. 305. Prior to the approval of any Federal under-
10 taking which may adversely affect any natural landmark, the
11 head of any Federal agency shall determine that no prudent
12 and feasible alternative to such undertaking exists, shall, to
13 the maximum extent possible, undertake such planning and
14 actions as may be necessary to minimize harm to such land-
15 mark, and shall afford the Council on Heritage Conservation
16 a reasonable opportunity to comment on the undertaking:
17 *Provided*, That this section shall not take effect until after
18 the criteria to be prepared pursuant to section 301(d) are
19 promulgated.

20 SEC. 306. Within one year of the effective date of this
21 Act, the Council on Heritage Conservation with the concur-
22 rence of the Secretary shall promulgate regulations or guide-
23 lines, as appropriate, for the exemption of Federal undertak-
24 ings from the provisions of sections 304 and 305 of this Act,

1 when such exemptions will have minimal impact on the pro-
2 tection of natural heritage resources.

3 SEC. 307. Section 6 of the Land and Water Conserva-
4 tion Fund Act of 1965, as amended (78 Stat. 900; 16 U.S.C.
5 4601-8), is further amended by—

6 (a) revising subsection (a) to read:

7 “(a) The Secretary of the Interior (hereinafter referred
8 to as “Secretary”) is authorized to provide financial assist-
9 ance to the States from moneys available for State purposes.
10 Payments may be made to the States by the Secretary as
11 hereafter provided, subject to such terms and conditions as he
12 considers appropriate and in the public interest to carry out
13 the purpose of this Act, for (1) planning, (2) acquisition of
14 lands, waters, or interests in land and waters, or (3) develop-
15 ment for outdoor recreation and the conservation of natural
16 areas: *Provided*, That such areas may be subject to uses or
17 use restrictions as are found by the Secretary to be consistent
18 with the maintenance of their natural qualities and
19 condition.”.

20 (b) inserting before the colon in subsection (d)(2)
21 the following words: “, and appropriate development or
22 protection of natural heritage resources”; and

23 (c) deleting in the first sentence of subsection (f)(3)
24 the words “public outdoor recreation uses” and substi-
25 tuting “public outdoor recreation or natural area con-

1 servation uses”, and deleting in the second sentence
2 the words “recreation properties” and substituting
3 “recreation or natural area properties, as
4 appropriate,”.

5 **TITLE IV—INTERNATIONAL ACTIVITIES AND**
6 **WORLD HERITAGE CONVENTION**

7 SEC. 401. (a) The Secretary shall direct and coordinate
8 United States participation in the Convention Concerning the
9 Protection of the World Cultural and Natural Heritage, ap-
10 proved by the Senate on October 26, 1973, and in other
11 international activities concerning the conservation of heri-
12 tage resources, in cooperation with the Secretary of State,
13 the Smithsonian Institution, and the Council on Heritage
14 Conservation. Whenever possible, expenditures incurred in
15 carrying out activities in cooperation with other nations and
16 international organizations shall be paid for in such excess
17 currency of the country or area where the expense is incurred
18 as may be available to the United States.

19 (b) The Secretary shall establish a program to evaluate
20 this Nation’s heritage resources to identify properties of in-
21 ternational significance, and shall periodically nominate such
22 properties to the World Heritage Committee on behalf of the
23 United States. No property may be so nominated unless it
24 has previously been designated a National Natural or Histor-
25 ic Landmark. Each such nomination shall include evidence of

1 existing legal protections to ensure preservation of the prop-
 2 erty and its environment, and shall recommend additional
 3 legal protections that may be necessary to assure the proper-
 4 ty maximum protection.

5 SEC. 402. Prior to the approval of any Federal under-
 6 taking outside of the United States which may adversely
 7 affect a property which is on the World Heritage List or
 8 which has been nominated for inclusion in such list, the head
 9 of any Federal agency having direct or indirect jurisdiction
 10 over such undertaking shall take into account the effect of
 11 the undertaking on such property for the purpose of avoiding
 12 or mitigating any adverse effects. The head of any such
 13 agency shall afford the Council on Heritage Conservation a
 14 reasonable opportunity to comment with regard to such
 15 undertaking.

16 TITLE V—COUNCIL ON HERITAGE 17 CONSERVATION

18 SEC. 501. Title II of the Act of October 15, 1966, as
 19 amended (16 U.S.C. 470i), is further amended as follows:

20 (1) Amend section 201(a) to read as follows:

21 “SEC. 201. (a) There is established as an independent
 22 agency of the United States Government a Council on Heri-
 23 tage Conservation (hereinafter referred to as the ‘Council’)
 24 which shall be composed of thirty-seven members as follows:

25 “(1) The Secretary of the Interior;

- 1 “(2) The Secretary of Housing and Urban Devel-
- 2 opment;
- 3 “(3) The Secretary of Commerce;
- 4 “(4) The Administrator of the General Services
- 5 Administration;
- 6 “(5) The Secretary of the Treasury;
- 7 “(6) The Attorney General;
- 8 “(7) The Secretary of Agriculture;
- 9 “(8) The Secretary of Transportation;
- 10 “(9) The Secretary of State;
- 11 “(10) The Secretary of Defense;
- 12 “(11) The Chairman of the Council on Environ-
- 13 mental Quality;
- 14 “(12) The Secretary of Energy;
- 15 “(13) The Administrator of the Environmental
- 16 Protection Agency;
- 17 “(14) The Director of the National Science Foun-
- 18 dation;
- 19 “(15) The Chairman of the National Endowment
- 20 for the Humanities;
- 21 “(16) The Chairman of the National Endowment
- 22 for the Arts;
- 23 “(17) The Architect of the Capitol;
- 24 “(18) The Secretary of the Smithsonian Institu-
- 25 tion;

1 “(19) The Chairman of the National Trust for
2 Historic Preservation;

3 “(20) The President of the National Conference of
4 State Historic Preservation Officers;

5 “(21) A representative of State officials concerned
6 with natural area conservation;

7 “(22) The President of The Nature Conservancy;
8 and

9 “(23) Fifteen appointed by the President. In
10 making these appointments the President shall give
11 due consideration to equal representation on the Coun-
12 cil of persons with expertise in natural area conserva-
13 tion and historic preservation, and to the selection of
14 officers of State and local governments, representatives
15 of Indian tribes, and individuals who are significantly
16 interested and experienced in the matters to be consid-
17 ered by the Council.

18 Any reference in law to the Advisory Council on Historic
19 Preservation shall hereafter be considered a reference to the
20 Council on Heritage Conservation.”.

21 (2) Amend section 201(b) by deleting “(17)” and
22 substituting in lieu thereof “(22)”.

23 (3) Amend section 201(c) to read as follows:

24 “(c) Each member of the Council appointed under para-
25 graph (23) of subsection (a) shall serve for a term of four

1 years from the expiration of his predecessor's term; except
2 that the members first appointed under that paragraph shall
3 serve for terms of one to four years, as designated by the
4 President at the time of appointment, in such manner as to
5 insure that the terms of not more than four of them will
6 expire in any one year. A member may not serve more than
7 two terms.”.

8 (4) Amend section 201(d) to read as follows:

9 “(d) A vacancy in the Council shall not affect its
10 powers, but shall be filled in the same manner as the original
11 appointment (and for the balance of any unexpired terms):
12 *Provided*, That each member of the Advisory Council on His-
13 toric Preservation appointed by the President under former
14 paragraph (18) of the Act of October 15, 1966, as amended,
15 in office on the date of enactment of this Act, shall remain in
16 office until such time as the member's term expires or the
17 President appoints a new member under paragraph (23) of
18 subsection (a) of this section.”.

19 (5) Amend section 201(e) to read as follows:

20 “(e) The Chairman of the Council shall be designated by
21 the President from among those members appointed under
22 paragraph (22) of subsection (a) of that paragraph. The Presi-
23 dent shall also designate a Vice Chairman who shall act in
24 place of the Chairman during the absence or disability of the
25 Chairman or when the office is vacant.”.

1 (6) Amend section 201(f) by deleting the word
2 “fifteen” and substituting in lieu thereof the word
3 “nineteen”.

4 (7) Amend section 202(a) by inserting prior to the
5 semicolon in the first clause “and conservation of natu-
6 ral areas” after the term “historic preservation” when-
7 ever it appears and by adding at the end thereof the
8 following new subsections:

9 “(6) review Federal policies and programs affect-
10 ing historic properties and natural areas to recommend
11 means to improve the effectiveness, coordination, and
12 consistency of those policies and programs; and

13 “(7) inform and educate interested Federal agen-
14 cies, State and local governments, Indian tribes, other
15 nations and international organizations and private
16 groups and individuals as to the Council’s authorized
17 activities.”.

18 (8) Amend section 204 by striking the term
19 “(17)” in the first sentence and inserting in lieu thereof
20 “(22)” and striking the term “(18)” in the second sen-
21 tence and inserting in lieu thereof the term “(23)”.

22 (9) Amend section 205(b) by inserting after the
23 words “Whenever appropriate” the phrase “including
24 enforcement of agreements with Federal agencies”.

25 (10) Delete section 205(c).

1 (11) Amend section 205(d) to read as follows:

2 “SEC. 205. (d) The Executive Director shall have
3 power to appoint and fix the compensation of personnel as
4 may be necessary to carry out the duties of the Council in
5 accordance with the provisions of the civil service laws and
6 chapter 51 and subchapter III of chapter 53 of title 5.”.

7 (12) Amend section 205(g) by inserting after the
8 word “facilities,” in the second sentence the word
9 “moneys,”; and adding the following phrase at the end
10 of the last sentence: “and the Executive Director in
11 his administration of the Council is authorized, in his
12 discretion, to accept, hold, use, expend, and administer
13 the same for the purposes of this Act.”.

14 (13) Amend section 212(a) by deleting the last
15 sentence and inserting in lieu thereof the sentence
16 “There are authorized to be appropriated such sums as
17 may be necessary to carry out such activities of the
18 Council as may be authorized by the Congress.”.

19 (14) Delete section 212(b).

20 SEC. 502. The Council shall promulgate, within six
21 months of the effective date of this Act, such rules and regu-
22 lations as it deems necessary to implement its responsibil-
23 ities, including, with the concurrence of the Secretary, regu-
24 lations or guidelines as appropriate, for the exemption of
25 Federal undertakings from any or all of the requirements of

1 this Act or the Act of October 15, 1966, as amended (16
2 U.S.C. 470f) when such exemption will not impair the pro-
3 tection of heritage resources.

4 TITLE VI—GENERAL, ADMINISTRATIVE, AND
5 MISCELLANEOUS PROVISIONS

6 Subtitle A—General and Administrative Provisions

7 SEC. 601. For the purposes of this Act—

8 (a) The term “agency” means agency as such term is
9 defined in section 551 of title 5, United States Code.

10 (b) The term “State” means any State of the United
11 States, the District of Columbia, the Commonwealth of
12 Puerto Rico, Guam, the Virgin Islands, American Samoa,
13 and the Northern Mariana Islands.

14 (c) The term “undertaking” means any Federal, federal-
15 ly assisted, or federally licensed action, activity, or program
16 or the approval, sanction, assistance, or support of any non-
17 Federal action, activity or program. Undertakings include
18 new and continuing projects and program activities that are:
19 (1) directly undertaken by Federal agencies; (2) supported in
20 whole or in part through Federal contracts and grants, or
21 other forms of direct and indirect funding assistance; and (3)
22 carried out pursuant to a Federal lease, permit, license, cer-
23 tificate, approval, or other form of entitlement or permission.

24 (d) The term “Indian tribe” means the governing body
25 of any Indian tribe, band, nation, or other group which is

1 recognized as an Indian tribe by the Secretary of the Interior
2 and for which the United States holds land in trust or re-
3 stricted status for that entity or its members.

4 (e) The term "eligible for" the Natural Register or His-
5 toric Register as used in this Act means meeting the criteria
6 established by the Secretary for listing in the Natural Regis-
7 ter or Historic Register.

8 SEC. 602. Each Federal agency is authorized to expend
9 funds appropriated for its authorized programs for the pur-
10 poses of this Act.

11 SEC. 603. (a) The Secretary is authorized to accept do-
12 nations and bequests of money and personal property for the
13 purposes of this Act and shall hold, use, and expend and
14 administer the same for such purposes.

15 (b) The Secretary is authorized to accept gifts or dona-
16 tions of less than fee interests in any property included in the
17 Natural Register or Historic Register where the acceptance
18 of such interests will facilitate the conservation or preserva-
19 tion of such properties. Nothing in this section or in any pro-
20 vision of this Act shall be construed to affect or impair any
21 other authority of the Secretary under other provision of law
22 to accept or acquire any property for conservation or preser-
23 vation or for any other purpose.

24 SEC. 604. The head of any Federal agency, after con-
25 sultation with the Secretary, shall withhold from disclosure

1 to the public information relating to the location of heritage
2 resources which are eligible for or included in the Natural
3 Register or the Historic Register whenever the head of the
4 agency or the Secretary of the Interior determines that the
5 disclosure of such information would (1) create a substantial
6 risk of harm, theft, or destruction to such heritage resources,
7 or (2) create a substantial risk of harm, theft, or destruction
8 to the area or place wherein such heritage resources are
9 located.

10 SEC. 605. Nothing in this Act shall be construed to
11 modify or amend existing authorities which provide for a
12 greater degree of protection to natural areas and historic
13 properties; the more restrictive conservation or preservation
14 authorities shall control.

15 SEC. 606. The Secretary of the Interior, in cooperation
16 with the American Folklife Center of the Library of Con-
17 gress, shall, within two years after the date of the enactment
18 of this Act, submit a report to the President and the Con-
19 gress on preserving and conserving the intangible elements of
20 our cultural heritage. The report shall include recommenda-
21 tions for legislative and administrative actions by the Federal
22 Government in order to preserve, conserve, and encourage
23 the continuation of the diverse historic, ethnic, and folk cul-
24 tural traditions that underlie and are a living expression of
25 our American heritage.

1 SEC. 607. The Secretary, in cooperation with the Sec-
2 retary of the Treasury, shall submit a report to the President
3 and the Congress on Federal tax laws relating to historic
4 preservation or affecting in any manner historic preservation.
5 Such report shall include recommendations respecting
6 amendments to such laws which would further the purposes
7 of this Act. Such report shall be submitted within one year
8 after the date of the enactment of this Act.

9 SEC. 608. The Secretary shall undertake a comprehen-
10 sive study and formulate recommendations for the creation of
11 a National System of Cultural Parks to provide for the pres-
12 ervation, interpretation, and enjoyment by the public of his-
13 toric, architectural, archeological, and cultural resources, as
14 well as related natural resources, found in definable urban
15 and settled areas throughout the Nation. The Secretary shall
16 submit such legislative recommendations as may be neces-
17 sary and appropriate to establish such system simultaneously
18 to the President and the Congress within two years after the
19 enactment of this Act.

20 SEC. 609. There are authorized to be appropriated such
21 sums as are necessary to implement the provisions of this
22 Act.

1 Subtitle B—Center for the Building Arts

2 ESTABLISHMENT OF NATIONAL HISTORIC SITE

3 SEC. 610. In order to commemorate and encourage the
4 building arts and to preserve and maintain for public use a
5 nationally significant building which exemplifies the great
6 achievements of the building arts in the United States, the
7 Secretary of the Interior is authorized to establish the Pen-
8 sion Building located in the block bounded by Fourth Street,
9 Fifth Street, F Street, and G Street, Northwest in Washing-
10 ton, District of Columbia, as a national historic site to be
11 named the “National Center for the Building Arts” (herein-
12 after in this title referred to as the “Center”). The Adminis-
13 trator of General Services shall transfer such building, and
14 the land on which it is situated, to the jurisdiction of the
15 Secretary of the Interior promptly following the enactment of
16 the National Heritage Act of 1980.

17 MANAGEMENT OF CENTER

18 SEC. 611. (a) The Secretary of the Interior shall ren-
19 ovate, maintain, and administer the site established under
20 section 610 in accordance with the provisions of this title, the
21 Acts generally applicable to units of the national park system
22 (including the Act of August 25, 1916; 16 U.S.C. 1–4 and
23 the Act of August 21, 1935, 16 U.S.C. 461–7). In carrying
24 out such functions, the Secretary is authorized to enter into
25 contracts with the National Building Arts Foundation.

1 (b) The renovation of the Center and its conservation for
2 public use and enjoyment shall be carried out by the Secre-
3 tary. Such renovation shall, as far as practicable: (1) pre-
4 serve, enhance, and restore the distinctive and historically
5 authentic architectural character of the Pension Building
6 consistent with the needs of the Center; and (2) retain the
7 availability of the central court of the building, or portions
8 thereof, for appropriate public activities.

9 (c) The Secretary of the Interior, acting through the
10 National Park Service, shall provide such maintenance, secu-
11 rity, information, interpretation, janitorial and other services
12 as may be necessary to assure the preservation and operation
13 of the Center and the Secretary, acting through the National
14 Park Service, may enter into cooperative agreements with
15 the Building Arts Foundation, created by section 612 of this
16 title, for such purposes.

17 (d) There are hereby authorized to be appropriated to
18 the Secretary \$15,000,000 to be used for the renovation of
19 the Center.

20 NATIONAL BUILDING ARTS FOUNDATION

21 SEC. 612. (a) There is hereby established in the District
22 of Columbia a charitable, educational, and scientific nonprofit
23 corporation to be known as the National Building Arts Foun-
24 dation (hereinafter in this subtitle referred to as the "Founda-

1 tion”) whose duty it shall be to carry out the following
2 programs:

3 (1) collection and dissemination of information
4 concerning the building arts, including the establish-
5 ment of a national reference center for current and his-
6 toric documents, publications, and research relating to
7 the building arts;

8 (2) providing education and information relating to
9 the history and practice of the building arts including
10 promotion of imaginative education programs to en-
11 hance understanding and appreciation of all facets of
12 the building arts; and

13 (3) the public display of temporary and permanent
14 exhibits illustrating and interpreting the building arts.
15 and to utilize, to the maximum extent practicable, the histor-
16 ic site established under section 611 for such purposes. The
17 Foundation shall coordinate its activities under this subtitle
18 with other public and private organizations and individuals in
19 order to avoid, to the extent possible, the duplication of
20 efforts relating to the functions of the Foundation.

21 (b)(1) The Foundation shall be under the direction of a
22 Board of Trustees (hereinafter in this subtitle referred to as
23 the “Board”), which shall meet at least two times during
24 each calendar year.

1 (2) The Board shall be composed of nine general mem-
2 bers and the following ex officio members: the Secretary of
3 the Interior, the Secretary of Labor, the Chairman of the
4 National Trust for Historic Preservation in the United
5 States, the Librarian of Congress, the Secretary of Housing
6 and Urban Development, the Secretary of Education (or any
7 successor agency or office), and the Chairman of the National
8 Endowment of the Arts. The President of the Foundation,
9 appointed under subsection (d), shall serve as a nonvoting ex
10 officio member of the Board. The initial general members
11 shall be appointed by the President from among citizens of
12 the United States having distinction in the building arts. In
13 making appointments of initial general members the Presi-
14 dent shall consider recommendations submitted to him by in-
15 stitutions and organizations (including labor unions, profes-
16 sional associations, and educational institutions) having an in-
17 terest in the activities to be carried out by the Foundation,
18 having due regard for appropriate representational balance
19 on the Board. The President shall appoint all initial general
20 members of the Board within ninety days after the date of the
21 enactment of the National Heritage Act of 1980. The Board
22 shall initially convene not later than ninety days after the
23 expiration of the ninety-day period referred to in the preced-
24 ing sentence. Nine members of the Board shall constitute a
25 quorum. The members of the initial Board shall serve as in-

1 corporators and shall take whatever actions are necessary to
2 incorporate the Foundation as a nonprofit corporation in the
3 District of Columbia.

4 (3) The general members of the Board shall serve for
5 terms of five years, except that the general members initially
6 appointed shall serve for terms of from one to five years, as
7 designated by the President at the time of appointment, in
8 such manner as to assure that not more than two of such
9 terms will expire in any one year. Any vacancy on the Board
10 among its general members, following their initial appoint-
11 ment, shall be filled by the Board by a vote of not less than
12 ten of the acting members of the Board.

13 (4) The Board shall have a Chairman and Vice Chair-
14 man who shall be elected from among the general members
15 by a majority vote of the Board to serve for a period of two
16 years.

17 (5) The general members of the Board shall each be
18 entitled to receive \$100 for each day (including traveltime)
19 during which they are engaged in the performance of func-
20 tions vested in the Board. The ex officio members of the
21 Board shall receive no additional compensation by reason of
22 their service on the Board, but while away from their homes
23 or regular places of business in the performance of services
24 for the Board, all members of the Board shall be allowed
25 travel expenses, including per diem in lieu of subsistence, in

1 the same manner as persons employed intermittently in Gov-
2 ernment service are allowed expenses under section 5703 of
3 title 5 of the United States Code.

4 (6) A general member of the Board may be removed
5 during his term of office by a vote of seven members for
6 malfeasance in office or for persistent neglect of or inability
7 to discharge duties.

8 (7) No member of the Board may participate in any de-
9 cision, action, or recommendation with respect to any matter
10 which directly benefits such member or pertains specifically
11 to any firm, organization, or other entity with which such
12 member is then associated or has been associated within a
13 period of two years.

14 (8) Ex officio members of the Board may designate an-
15 other officer of their respective department or agency to act
16 in their place in the discharge of their duties as a member of
17 the Board when required because of other public business.

18 (c) The Board may adopt such rules as it deems neces-
19 sary respecting the operations of the Board and the activities
20 to be carried out by the Board. All meetings of the Board
21 shall be open to the public and the Board shall provide the
22 maximum practicable opportunities for notice and public com-
23 ment concerning its activities.

1 (d)(1) The Board shall have the power to appoint and
2 remove a President of the Foundation and such other officers
3 as the Board determines to be necessary.

4 (2) The President of the Foundation may appoint and
5 remove such employees of the Foundation, and may engage
6 such consultants, as the President determines necessary to
7 carry out the purposes of the Foundation.

8 (e) No part of any income or assets of the Foundation
9 shall inure to the benefit of any trustee, officer, employee, or
10 other individual except as salary or reasonable compensation
11 for services.

12 (f) No political test or political qualification shall be used
13 in selecting, appointing, promoting, or taking any personnel
14 action with respect to any officer, agent, or employee of the
15 Foundation or with regard to the selection or conduct of any
16 program of the Foundation.

17 (g)(1) Officers and employees of the Foundation shall be
18 compensated at rates determined by the Board, but not in
19 excess of the rate of level IV of the executive schedule speci-
20 fied in section 5316 of title 5 of the United States Code.

21 (2) Nothing in this Act shall be construed as limiting the
22 authority of the Office of Management and Budget to review
23 and submit comments upon the Foundation's budget requests
24 upon their transmittal to the Congress.

1 (3) Officers and employees of the Foundation shall be
2 considered officers and employees of the Federal Government
3 only for purposes of the following provisions of title 5 of the
4 United States Code: subchapter I of chapter 81 (relating to
5 compensation for work injuries); chapter 83 (relating to civil
6 service retirement); chapter 87 (relating to life insurance);
7 and chapter 89 (relating to health insurance). The Founda-
8 tion shall make contributions at the same rates applicable to
9 agencies of the Federal Government under the provisions re-
10 ferred to in this paragraph.

11 (h) Any department, agency, or other instrumentality of
12 the United States is hereby authorized to transfer or loan to
13 the Foundation without charge therefor works of art, books,
14 records, drawings, artifacts, equipment, or other objects for
15 educational, historical, archival, or exhibition purposes. Any
16 such department, agency, or other instrumentality of the
17 United States, including the Government Printing Office, is
18 authorized to furnish property, both real and personal, and
19 personal and nonpersonal services to the Foundation, and the
20 Foundation is authorized to furnish property and services to
21 them. The furnishing of property and services under this sec-
22 tion shall be under such terms and conditions, including reim-
23 bursability, as the Foundation and the head of the depart-
24 ment, agency, or instrumentality concerned shall deem
25 appropriate.

1 (i) The Foundation shall have the power—

2 (1) to have succession until dissolved by Act of
3 Congress in which event title to the properties of the
4 Foundation, both real and personal, shall, insofar as
5 consistent with existing contractual obligations and
6 subject to all other legally enforceable claims or de-
7 mands by or against the Foundation, pass to and
8 become vested in the United States of America unless
9 otherwise provided by such Act of Congress;

10 (2) to sue and be sued in its corporate name;

11 (3) to adopt, alter, and use a corporate seal,
12 which shall be judicially noticed;

13 (4) to adopt and to make such bylaws, rules, and
14 regulations not inconsistent with the laws of the
15 United States or of any State, as it deems necessary
16 for the administration of its functions under this subti-
17 tle, including among other matters, bylaws, rules, and
18 regulations governing administration of Foundation
19 funds, and the organization and procedure of the Board
20 of Trustees;

21 (5) to accept, hold, and administer gifts and be-
22 quests of money, securities, or other personal property
23 of whatsoever character, absolutely or in trust, for the
24 purposes for which the Foundation is created; unless
25 otherwise restricted by the terms of the gift or bequest,

1 the Foundation is authorized to sell, exchange, or oth-
2 erwise dispose of and to invest or reinvest in such in-
3 vestments as it may determine from time to time the
4 moneys, securities, or other property given or be-
5 queathed to it; the principal of such corporate funds,
6 together with the income therefrom and all other rev-
7 enues received by it from any source whatsoever, shall
8 be placed in such depositories as the Foundation shall
9 determine and shall be subject to expenditure by the
10 Foundation for its corporate purposes;

11 (6) to acquire by gift, devise, purchase, or other-
12 wise, absolutely or in trust, and to hold and, unless
13 otherwise restricted by the terms of the gift or devise,
14 to encumber, convey, or otherwise dispose of, any real
15 property, or any estate or interest therein, as may be
16 necessary or proper in carrying into effect the purposes
17 of the Foundation; the Foundation shall not acquire
18 any real property solely for the purpose of the preser-
19 vation of such property;

20 (7) to contract and make cooperative agreements
21 with Federal, State, municipal, or special purpose de-
22 partments, agencies, or districts, corporations, associ-
23 ations, or individuals, under such terms and conditions
24 as it deems advisable;

1 (8) to accept grants from Federal, State, and local
2 governmental agencies and other entities;

3 (9) to enter into contracts generally and to ex-
4 ecute all instruments necessary or appropriate to carry
5 out its corporate purposes, which instruments shall in-
6 clude such concession contracts, leases, or permits for
7 the use of lands, buildings, or other property deemed
8 desirable either to accommodate the public or to facili-
9 tate administration; and

10 (10) generally to do any and all lawful acts neces-
11 sary or appropriate to carry out the purposes for which
12 the Foundation is created.

13 (j) There is authorized to be appropriated to the Foun-
14 dation for use in accordance with this subtitle, amounts
15 which will in the aggregate equal gifts, bequests, devises of
16 money, securities, and other property received by the Foun-
17 dation, but not to exceed \$1,000,000 for any fiscal year. In
18 addition to such amounts, there is authorized to be appropri-
19 ated to the Foundation not more than \$250,000 for the fiscal
20 year 1981 and \$500,000 for each of the fiscal years 1982
21 through 1986. Amounts authorized to be expended under this
22 subsection shall remain available until expended for a period
23 of one fiscal year following the fiscal year for which
24 appropriated.

1 (k) The budget of the Foundation shall be submitted to
2 the Congress in conjunction with the submission of the
3 budget of the Department of the Interior as a related agency.

4 (l) The Foundation, and any programs sponsored by it,
5 shall be eligible to be treated as an organization described in
6 section 170(c)(2)(B) of the Internal Revenue Code of 1954
7 and as an organization described in section 501(c)(3) of such
8 Code that is exempt from taxation under section 501(a) of
9 such Code. If such treatments are conferred in accordance
10 with the provisions of such Code, the Foundation, and pro-
11 grams sponsored by it, shall be subject to all provisions of
12 such Code relevant to the conduct of organizations exempt
13 from taxation.

14 DEFINITION OF BUILDING ARTS

15 SEC. 613. For purposes of this subtitle, the term “build-
16 ing arts” includes, but shall not be limited to, all practical
17 and scholarly aspects of architecture, construction, building
18 technology and skills, landscape architecture, historic preser-
19 vation, building and construction, engineering, urban and
20 community design and renewal, city and regional planning
21 and related skills, trades, and crafts.

22 AUDIT AND REPORT

23 SEC. 614. (a) The General Accounting Office shall
24 review and audit regularly the accounts of the Foundation for

1 purposes of determining the continuing ability of the Founda-
2 tion to pay for the functions of the Center.

3 (b) On December 31 of each calendar year which com-
4 mences after the date of the enactment of this subtitle, the
5 Foundation shall submit to the Committee on Interior and
6 Insular Affairs of the United States House of Representa-
7 tives and to the Committee on Energy and Natural Re-
8 sources of the United States Senate a report containing a
9 statement of its activities carried out pursuant to this title,
10 together with a plan of the programs which it proposes to
11 carry out during the succeeding four years.

12 PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

13 SEC. 615. (a) The Secretary shall investigate the plans
14 and performance of the Pennsylvania Avenue Development
15 Corporation as they relate to historic preservation and,
16 within ninety days from the date of this Act, submit a report
17 to the Congress containing the results of such study together
18 with the Secretary's recommendations for the inclusion in
19 such plans of a comprehensive historic preservation element.

20 (b) The areas which are subject to the Pennsylvania De-
21 velopment Corporation Act shall be deemed to be a historic
22 district for purposes of the amendments made by this Act and
23 for the purposes of any law of the District of Columbia and
24 for purposes of any other Federal, State, or local law. Not-
25 withstanding the development plan of the Corporation, the

1 Corporation shall take such steps as may be necessary to
2 protect historic resources in the areas subject to such Penn-
3 sylvania Development Corporation Act.

4 (c) The Pennsylvania Development Corporation Act is
5 amended—

6 (1) in section 7(a) by striking out the semicolon
7 and all that follows down to the period at the end
8 thereof, and

9 (2) in section 9(b) by inserting “demolishing,”
10 after “altering,” in each place it appears, by inserting
11 “demolition” after “alteration” and by inserting before
12 the period at the end thereof: “and historic preserva-
13 tion laws, regulations, and ordinances”.

○